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March 26, 2002

Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/921,650  
Title: Tetracycline-Inducible Transcriptional Inhibitor Fusion Proteins  
(as amended)  
Filed: August 3, 2001  
Inventors: Hermann Bujard and Manfred Gossen  
Our Ref. No.: BBI-009C6CNDVCN

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice to File Missing Parts of NonProvisional Application (2 pages, in duplicate);
2. Transmittal Letter for Diskette Containing Substitute Sequence Listing (1 page);
3. 27 Pages of Substitute Sequence Listing (numbered 75-101);
4. Diskette Containing Computer Readable Form of Substitute Sequence Listing;
5. Preliminary Amendment (2 pages);
6. Copy of Notice to File Missing Parts of NonProvisional Application (2 pages);
7. Request for Three-Month Extension of Time (1 page, in duplicate);
8. Checks for \$870.00 (filing fee and surcharge) and \$920.00 (extension fee); and
9. A Pre-Paid Acknowledgment Postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

**Certificate of First Class Mailing (37 CFR 1.8(a))**

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231 on:

March 26, 2002

Date

Giulio A. DeConti, Jr., Esq., Reg. No. 31,503

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Giulio A. DeConti, Jr., Esq.  
Reg. No. 31,503  
Attorney for Applicants



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Hermann Bujard and  
Manfred Gossen

Serial No.: 09/921,650

Filed: August 3, 2001

For: *TETRACYCLINE-INDUCIBLE  
TRANSCRIPTIONAL INHIBITOR FUSION  
PROTEINS (as amended)*

Attorney Docket No.: BBI-009C6CNDVCN

Group Art Unit: 1631

Examiner:

Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

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March 26, 2002

Date of Signature and of Mail Deposit

By:

*Giulio A. DeConti, Jr.*  
Giulio A. DeConti, Jr., Esq.  
Reg. No. 31,503  
Attorney for Applicants

RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION

Dear Sir:

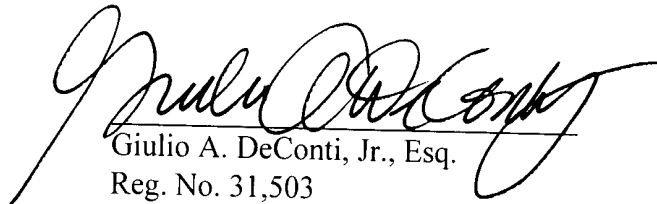
Responsive to the Notice to File Missing Parts of NonProvisional Application dated October 26, 2001, Applicants' attorney submits herewith a Sequence Listing in both a computer-readable diskette and paper copy as required by 37 C.F.R. 1.821-1.825 and a check in the amount of \$870.00 to cover the total owed by Applicants, including \$740.00 filing fee and \$130.00 surcharge, based on large entity status. A copy of the Notice to File Missing Parts of NonProvisional Application is also enclosed.

The Commissioner is hereby authorized to charge payment of any fees under 37 C.F.R. 1.16 and 1.17 during the pendency of this application or credit any overpayment to Deposit Account No. 12-0080.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



Giulio A. DeConti, Jr., Esq.

Reg. No. 31,503

Attorney for Applicants

28 State Street  
Boston, MA 02109  
(617) 227-7400

Date: **March 26, 2002**



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/921,650	08/03/2001	Hermann Bujard	BBI-009C6CNDVCN

000959  
LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON, MA 02109



CONFIRMATION NO. 6537

## FORMALITIES LETTER



\*OC000000006979317\*

Date Mailed: 10/26/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).


- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 840.
- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

04/09/2002 HN00R1 00000085 09921650 740.00 DP 130.00 DP  
01 FC:101  
02 FC:105

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, consisting of several loops and a final horizontal stroke.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE